

**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN  
DISTRICT OF DELAWARE

Monty Pepper,  
Plaintiff,

Warden Thomas Carroll co Bambi Thomas  
Co James Gardels Co Thomas Second  
Defendent.

Civil Action No. 05-084-JJF

PLAINTIFF'S MOTION FOR EXTENSION OF TIME  
TO FILE ANSWERING BRIEF TO  
DEFENDENT'S MOTION AND  
OPENING BRIEF

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2006 FEB -6 PM 3:44  
BD Scanning

Plaintiff, pro se, Monty Pepper, hereby moves this Honorable Court pursuant to Fed. R. Civ. P. 6 (b), for an Enlargement of Time to March 26 2006, to prepare, type, and file his answering brief to Defendant's opening brief in support of their Motion to Dismiss which was otherwise due to be filed on February 26, 2006. Plaintiff, is an incarcerated Inmate at a State Institution and has very limited access to the Law Library for the purpose of research, due to scheduling difficulties.

DATED: Feb 2 2006.

Respectfully Submitted,

[Signature]

Plaintiff incarcerated in Delaware Correctional Center as put fourth in the original complaint still suffers from a degree of impediment to Law research . As a result Plaintiff is restricted to 4 hours on tuesday and thursday a total of 8 hours a week

Plaintiff has requested additional time to research and file motion and answers . Even after noting a deadline to E Johnson the the paralegal in charge Plaintiff was REFUSED extra time

AS a result I have sent a letter to administrator Mink Little and await reply and remedy

Plaintiff also asserts due to DEFENDANTS requesting a dismissal under Rule 12 (B) (6) which considers this a motion of summary judgement under Rule 56 (c) and further attaches Extraneous Material the Plaintiff must gather the material fact to rebut the conflicting statements and other arguments defendants put forth in an attempt at a dismissal

Defendant has sent many arguments to rebut Also copies of Legal call request which my mother is in possession of and copies of other material is being gathered and copied and sent in to DCC which requires an additional time Unlike Defendant contends the Plaintiff can produce all documentation needed to prove his case

Plaintiff is not experienced at law and must research every rule and law as well as Constitutional rights this takes more than 8 hours a week Plaintiff is also a slow reader which adds to disability

need more time to perfect his claims.

WHEREFORE, based on the above reasons, plaintiff respectfully prays this Honorable Court to grant his motion and extend the time for filing his response to the Order to Dismiss  
Feb 2, 2006.

Monty Pepper

DATED: \_\_\_\_\_

Pro-se Litigant  
Delaware Correctional Center  
Smyrna, DE 19977

The appellant's response is due \_\_\_\_\_, \_\_\_\_.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
JUSTICE

Certificate of Mailing and/or Delivery

I hereby certify That on February 2,  
2006 I mailed by United States mail a  
copy of The inclosed "Motion For Extension  
of Time" To file answering brief To The  
Defendants motion and opening brief  
(CA# 05084-JJF)

This copy(s) was sent To The Following  
address and party attorney for Defendants

To Lisa Barchi  
Deputy Attorney General  
820 N French Street 6th Floor  
wilmington Del 19801

302-577-8400

Feb, 2, 2006

sent by Monty Pepper  
SBI 00156920  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna De  
19977



1/M 02 P<sub>2</sub>

SBI# 156920 UNIT DW012

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977



Office of The Clerk  
United States District Court  
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Wilmington Del  
19801-3520